

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SDC SDNY

DOCUMENT

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MILAGROS MICHELLE KELLY, on behalf of :
her minor son, RONALD LASHLEY, and :
URBANA SANCHEZ, on behalf of her minor son :
ANGEL AGOSTO, :

12 Civ. 5272 (WHP)

Plaintiffs, :

ORDER

-against- :

THE CITY OF NEW YORK *et al.*, :

Defendants. :

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WILLIAM H. PAULEY III, District Judge:

On October 9, 2013, Magistrate Judge Kevin N. Fox issued a report and recommendation (“October Report”) recommending approval of the parties’ agreement to settle and compromise the infants’ claims with a number of modifications. This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations” of a magistrate judge. 28 U.S.C. § 636(b)(1). No objections to the October Report were filed. Accordingly, this Court reviews the October Report for “clear error on the face of the record.” 28 U.S.C. § 636(b)(1). This Court finds that Magistrate Judge Fox’s thorough and well-reasoned October Report is not facially erroneous and therefore adopts it in full.

The “September 12, 2013 Stipulation of Settlement,” improperly styled as a “Stipulation of Settlement and Order of Dismissal,” is approved as modified by Magistrate Judge Fox. Specifically, paragraph 4 of the stipulation of settlement is modified to read as follows:

4. That Defendant City of New York shall pay the aforesaid settlement sums in full to the law office of Stecklow Cohen & Thompson, located at 10 Spring Street, Suite 1, New York, NY 10012. The law office of Stecklow Cohen & Thompson will then disburse the funds on the following terms:

(A) the sum of \$13,834.25 to Urbana Sanchez, parent and natural guardian of Plaintiff Angel Agosto, with said funds to be deposited in Popular Community Bank and held therein in an interest bearing savings account for the sole use and benefit of Angel Agosto.

(B) the sum of \$13,834.25 to Milagros Michelle Kelly, parent and natural guardian of infant Plaintiff Ronald Lashley, with said funds to be deposited in Bank of America and held therein in an interest bearing savings account for the sole use and benefit of said infant.

(C) the sum of \$12,331.50 to the order of Stecklow Cohen & Thompson, the above-named attorneys for the plaintiffs as and for attorneys' fees, inclusive of all disbursements and expenditures made on plaintiffs' behalf, subject to the further order of this Court.


Paragraph 5 of the stipulation of settlement is modified to read as follows:

5. Each Plaintiff shall execute and deliver to Defendants' attorney all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraph '2' above.

Paragraph 9 of the stipulation of settlement is deleted in its entirety. This constitutes the order of this Court. The Clerk of Court is directed to mark this case closed.

Dated: January 23, 2014
New York, New York

SO ORDERED:


WILLIAM H. PAULEY III
U.S.D.J.

Counsel of Record:

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